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HOUSE BILL 337

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GARY K. KING

FOR THE

SCIENCE, TECHNOLOGY, ENERGY AND DEFENSE CONVERSION COMMITTEE

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING THE OUTDOOR LIGHTING
CONTROL ACT; ESTABLISHING A PENALTY; ENACTING SECTIONS OF THE
NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Outdoor Lighting Control Act".

Section 2. PURPOSE. -- The purpose of the Outdoor Lighting
Control Act is to regulate outdoor night lighting fixtures to
preserve and enhance the state's dark sky while conserving
energy and promoting the industry of astronomy.

Section 3. DEFINITIONS. -- As used in the Outdoor Lighting
Control Act:

A. "fully shielded" means a fixture that is shielded
in such a manner that light rays emitted by the fixture, either

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1 directly from the lamp or indirectly from the fixture, are
2 projected below a horizontal plane running through the lowest
3 point on the fixture where light is emitted;

4 B. "outdoor lighting fixture" means an outdoor
5 artificial illuminating device, whether permanent or portable,
6 used for illumination or advertisement, including searchlights,
7 spotlights or floodlights, whether for parking lot lighting,
8 landscape lighting, billboards or street lighting; and

9 C. "partially shielded" means a fixture that is
10 shielded in such a manner that the bottom edge of the shield is
11 below the plane of the center line of the lamp reducing light
12 above the horizontal plane.

13 Section 4. SHIELDING OF OUTDOOR LIGHT FIXTURES. -- All
14 outdoor lighting fixtures shall be fully or partially shielded,
15 except incandescent fixtures of one hundred fifty watts or less
16 and other sources of seventy watts or less. Streetlighting
17 fixtures are exempt from this requirement if the shielding is
18 not available from the manufacturer.

19 Section 5. NONCONFORMING LIGHT FIXTURES. --

20 A. In addition to other exemptions provided in the
21 Outdoor Lighting Control Act, an outdoor lighting fixture not
22 meeting these provisions shall be allowed, if the fixture is
23 extinguished by an automatic shutoff device between the hours of
24 midnight and sunrise.

25 B. No outdoor recreational facility, whether public

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1 or private, shall be illuminated after midnight, except to
2 conclude any recreational or sporting event or other activity
3 conducted, which is in progress prior to midnight at a ballpark,
4 outdoor amphitheater, arena or similar facility.

5 Section 6. USE OF MERCURY VAPOR LIGHTING FIXTURES. --

6 A. No new mercury vapor outdoor lighting fixtures
7 shall be installed after January 1, 1998. No replacement
8 equipment other than bulbs for mercury vapor lighting fixtures
9 shall be sold in the state after January 1, 1999, and the use of
10 mercury vapor lighting fixtures is prohibited after January 1,
11 2008.

12 B. The provisions of this section shall not apply to
13 outdoor lighting systems erected prior to 1950.

14 Section 7. EXEMPTIONS. --

15 A. The following are exempt from the requirements of
16 the Outdoor Lighting Control Act:

17 (1) outdoor lighting fixtures existing and
18 legally installed prior to the effective date of the Outdoor
19 Lighting Control Act; however, when existing lighting fixtures
20 become inoperable, their replacements are subject to all the
21 provisions of the Outdoor Lighting Control Act;

22 (2) outdoor lighting fixtures used on land or
23 facilities under the control of the federal government;

24 (3) navigational lighting systems at airports;
25 and

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(4) correctional institutions.

B. The provisions of the Outdoor Lighting Control Act are cumulative and supplemental and shall not apply within any county or municipality that, by ordinance or resolution, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of the Outdoor Lighting Control Act.

Section 8. VIOLATIONS--PENALTY.--Any person, firm or corporation violating the provisions of the Outdoor Lighting Control Act is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

**State of New Mexico
House of Representatives**

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 13, 1997

Mr. Speaker:

**Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred**

HOUSE BILL 337

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.**

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Pederson

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 1, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 337

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 20, after "while" insert "promoting safety,".
2. On page 1, line 21, strike "promoting the industry of" and insert in lieu thereof "preserving the environment for".
3. On page 1, line 24, strike "fully".
4. On page 2, line 2, after "projected" insert "at least fifteen degrees".
5. On page 2, line 3, after the semicolon insert "and".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 337

Page 8

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6. On page 2, line 7, after "for" insert "architectural lighting,".

7. On page 2, line 8, strike "; and" and insert in lieu thereof a period.

8. On page 2, strike lines 9 through 12.

9. On page 2, line 14, strike "fully or partially".

10. On page 2, line 16, after the period strike the remainder of the line and strike lines 17 and 18.

11. On page 2, line 24, strike "midnight" and insert in lieu thereof "11:00 p. m.".

12. On page 3, line 1, strike "midnight" and insert in lieu thereof "11:00 p. m.".

13. On page 3, line 3, strike "midnight" and insert in lieu thereof "11:00 p. m.".

14. On page 3, strike lines 24 and 25 and on page 4, strike line 1, and insert in lieu thereof:

"(3) navigational lighting systems at airports and other lighting necessary for aircraft safety at airports; and

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 337

Page 9

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(4) outdoor lighting fixtures that are necessary for
worker safety at industrial, mining or mineral extraction
facilities. "

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Alwin

Excused: M P. Garcia, Mallory, Rios, Sanchez, Vaughn

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 337

Page 10

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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March 21, 1997

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10 Mr. President:

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12 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
13 referred

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HOUSE BILL 337, as amended

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16 has had it under consideration and reports same with
17 recommendation that it DO PASS, and thence referred to the
18 CONSERVATION COMMITTEE.

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20 Respectfully submitted,

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Shannon Robinson, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 337

Page 11

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3 Adopted _____ Not Adopted _____
4 (Chief Clerk) (Chief Clerk)

5

6

Date _____

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9 The roll call vote was 4 For 2 Against

10 Yes: 4

11 No: Adair, Vernon

12 Excused: Ingle, Robinson, Rodarte

13 Absent: None

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